

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michon, F. et al.

Group Art Unit: TBA

Serial No.: TBA

Examiner: TBA

Filed: Herewith (January 20, 2004)

For: IMMUNOGENIC β -PROPIONAMIDO-LINKED POLYSACCHARIDE
PROTEIN CONJUGATE USEFUL AS A VACCINE PRODUCED USING
AN N-ACRYLOYLATED POLYSACCHARIDE



EXPRESS MAIL CERTIFICATE

Mail Stop – Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.: EV 245494434 US

Date of Deposit: January 20, 2004

I hereby certify that the following attached paper(s) and/or fee

1. UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b)) – (5 pages)
2. PATENT APPLICATION:- Specification (33 pages); Abstract (1 page); Claims (7 pages) ; Figure 1 (1 sheet)
3. PRELIMINARY AMENDMENT (12 pages)
4. EXPRESS MAIL CERTIFICATE & PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. §1.136(a)) – (as filed in parent application – 3 pages)
5. RETURN RECEIPT POSTCARD

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Scholastica Constable

(Typed or printed name of person mailing papers(s) and/or fee)

Scholastica Constable
(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

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Docket No. 3842-4043US2

Express Mail No. EV 245494434 US

27123

↑CUSTOMER NUMBER↑

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

(1) Francis Michon
4401 Rosedale Avenue
Bethesda, Maryland 20814
U.S.A.

(2) Chun-Hsien Huang
9815 Bald Cypress Drive
Bethesda, Maryland 20850
U.S.A.

(3) Catherine Uitz
4126 N. 34th Road
Arlington, Virginia 22207
U.S.A.

☐ Additional inventors are listed on a separate sheet

For: IMMUNOGENIC β -PROPIONAMIDO-LINKED POLYSACCHARIDE PROTEIN
CONJUGATE USEFUL AS A VACCINE PRODUCED USING AN
N-ACRYLOYLATED POLYSACCHARIDE

Enclosed Are:

- 33 page(s) of specification
1 page(s) of Abstract
7 page(s) of claims
1 sheets of ☒ Formal ☐ Informal drawings
6 page(s) of Declaration and Power of Attorney

- ☐ Unsigned
☐ Newly Executed
☒ Copy from prior application
☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

☐ **REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

☒ Incorporation by Reference:

- ☒ The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

☐ Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))

Signed statement attached deleting inventor(s) named in the prior application serial no. ____, filed ____.

☐ Microfiche Computer Program (Appendix)

- ☐ page(s) of Sequence Listing
☐ computer readable disk containing Sequence Listing
☐ Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same

☒ Assignment Papers (assignment cover sheet and assignment documents)

- ☐ A check in the amount of \$40.00 for recording the Assignment
☐ Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. ____.
☒ Assignment Papers filed in the parent application Serial No. 09/376,911.

- ☐ Certification of chain of title pursuant to 37 C.F.R. §3.73(b)
- ☐ Priority is claimed under 35 U.S.C. §119 for:
Application No(s). _____, filed _____, in _____ (country).
- ☐ Certified Copy of Priority Document(s) [_____]
☐ filed herewith
☐ filed in application Serial No. _____, filed _____.
- ☐ English translation document(s) [_____]
☐ filed herewith
☐ filed in application Serial No. _____, filed _____.
- ☒ Priority is claimed under 35 U.S.C. §119(e) for:
Provisional Application No. 60/097,120, filed August 19, 1998.
- ☐ Information Disclosure Statement
☐ Copy of [_____] cited references
☐ PTO Form-1449
☐ References cited in parent application Serial No. _____, filed _____.
- ☐ Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
☐ A copy of related pending U.S. Application(s) Serial No(s): _____, filed _____, respectively, is attached hereto.
☐ A copy of related pending U.S. Application(s) entitled, _____, filed _____ to inventor(s) _____, respectively, is attached hereto.
☐ A copy of each related application(s) was submitted in parent application serial no. _____, filed _____.
- ☒ Preliminary Amendment
- ☒ Return receipt postcard (MPEP 503)
- ☒ This is a ☒ continuation ☐ divisional ☐ continuation-in-part of prior application serial no. 09/376,911, filed August 18, 1999, to which priority under 35 U.S.C. §120 is claimed.
- ☒ Cancel in this application original claim 2 of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).

- ☒ The status of the parent application is as follows:
- ☒ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until January 20, 2004.
- ☒ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☐ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☒ Amend the specification by inserting before the first line the sentence:
This is ☒ continuation ☐ divisional ☐ continuation-in-part of co-pending application
Serial No. 09/3736,911, filed August 18,1999, which claims benefit of provisional patent application Serial No. 60/097,120 filed August 19, 1998.

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$770.00/385.00
Total Claims	98- 20 =	78x	\$18.00/ \$9.00	\$ 1,404.00
Independent Claims	3- 3 =	0x	\$86.00/ \$43.00	\$ 0.00
<input checked="" type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$290.00 (\$145.00)		\$ 290.00
TOTAL:				\$ 2,464.00

- ☐ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith
\$_____.
- ☐ A check in the amount of \$_____ in payment of the application filing fees is attached.
- ☒ Charge fee to Deposit Account No. 13-4500, Order No. 3842-4043US2. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3842-4043US2. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 20, 2004

By: 

Evelyn M. Kwon
Registration No. 54,246

Correspondence Address:

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New York, NY 10154-0053
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1645/\$

Docket No. 3842-4043US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michon, F., et al.

Group Art Unit: 1645

Serial No.: 09/376,911

Examiner: DEVI, S.....

Filed: August 18, 1999

For: IMMUNOGENIC B-PROPIONAMIDO-LINKED POLYSACCHARIDE
 PROTEIN CONJUGATE USEFUL AS A VACCINE PRODUCED USING
 AN N-ACRYLOYLATED POLYSACCHARIDE

PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. § 1.136(a))

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

1. This is a petition for an extension of time for Filing a Continuation Application.
2. The communication in connection with the matter for which this extension is requested
 - ☒ is filed herewith.
 - ☐ has been filed on _____.
3. ☐ Applicant(s) is/are entitled to Small Entity Status.
 Statement has already been filed

- | 4. | <u>Total Months
Requested</u> | <u>Fee for Other
than Small Entity</u> | <u>Fee for
Small Entity</u> |
|---|-----------------------------------|--|---------------------------------|
| a. <input type="checkbox"/> | one month | \$110.00 | \$55.00 |
| b. <input type="checkbox"/> | two months | \$420.00 | \$210.00 |
| c. <input checked="" type="checkbox"/> | three months | \$950.00 | \$475.00 |
| d. <input type="checkbox"/> | four months | \$1,480.00 | \$740.00 |
| e. <input type="checkbox"/> | five months | \$2,010.00 | \$1,005.00 |
| f. <input type="checkbox"/> An extension for _____ months has already been secured for filing the above-identified communication and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested. The fee for this extension (\$_____), minus the fee previously paid (\$_____) equals \$_____ (total fee due). | | | |

5. ☒ A check in the amount of \$950.00 to cover the extension fee is attached.
6. ☐ Charge fee to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500. Order No. 3842-4043US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: January 20, 2004

By:


Evelyn M. Kwon

Registration No. 54,246

Correspondence Address:

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